

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-6776

LARRY DAVIS,

Petitioner - Appellant,

v.

WARDEN FRANK BISHOP; THE ATTORNEY GENERAL OF THE STATE OF
MARYLAND,

Respondents - Appellees.

No. 19-6813

LARRY DAVIS,

Petitioner - Appellant,

v.

WARDEN FRANK BISHOP; THE ATTORNEY GENERAL OF THE STATE OF
MARYLAND,

Respondents - Appellees.

Appeals from the United States District Court for the District of Maryland, at Baltimore.
Catherine C. Blake, District Judge. (1:17-cv-03002-CCB)

Submitted: October 31, 2019

Decided: November 21, 2019

Before WYNN, FLOYD, and RICHARDSON, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Larry Davis, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Davis seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2254 (2012) petition and denying his subsequent Fed. R. Civ. P. 59(e) motion. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). "Ordinarily, a district court order is not final until it has resolved *all* claims as to all parties." *Porter v. Zook*, 803 F.3d 694, 696 (4th Cir. 2015) (internal quotation marks omitted).

Our review of the record reveals that the district court did not adjudicate all of the claims raised in the § 2254 petition. *Id.* at 696-97. Here, Davis asserted, among other things, prosecutorial misconduct based on the alleged suppression of (1) an x-ray film of a gas canister, and (2) a chain of custody report for the canister. The district court appeared to conflate these two claims in its analysis, concluding that Davis was not entitled to relief based on the prosecution's failure to produce a chain of custody report of the x-ray film. Because the court did not address Davis' claim concerning the chain of custody report of the gas canister, we conclude that the orders Davis seeks to appeal are neither final orders nor appealable interlocutory or collateral orders, and we therefore dismiss these appeals for lack of jurisdiction and remand to the district court for consideration of the unresolved claim. *Id.* at 699. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED AND REMANDED